

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ALLSTATE INSURANCE COMPANY, et al.,

Plaintiffs,

ORDER

- against -

CV 2015-3639 (JBW)(MDG)

ART OF HEALING MEDICINE, P.C., et al.,

Defendants.

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Jacobson Goldberg & Kulb, LLP has moved to withdraw as counsel for defendants Art of Healing Medicine P.C., Alexander Pinkusovich and Svetlana Pinkusovich (the "Art of Healing defendants"). See ct. doc. 194. Alexander Pinkusovich, M.D., the principal of the corporate defendant, and Svetlana Pinkusovich, M.D. consent to the motion (ct. doc. 199), but did not appear at the hearing. Plaintiffs do not oppose the motion. See ct. doc. 198.

Jeffrey A. Granat, Esq. of Jacobson Goldberg & Kulb, LLP explains in his declaration that there has been a breakdown in the relationship between attorney and clients. As discussed on the record, this Court finds that Jacobson Goldberg & Kulb, LLP has presented "satisfactory reasons" for counsel's withdrawal and such withdrawal will not cause undue delay or prejudice plaintiffs. See Local Civil Rule 1.4.

Therefore, it is hereby

ORDERED that the motion of Jacobson Goldberg & Kulb, LLP to

withdraw as counsel for the Art of Healing defendants is granted; and it is further

ORDERED that withdrawing counsel, which does not assert a lien, must promptly transmit the client files to the Art of Healing defendants or their new counsel upon request, with the reasonable costs of reproduction to be borne by the Art of Healing defendants, and must file a letter with the Court when the files have been transferred; and it is further

ORDERED that this action is stayed until April 22, 2016 to give the Art of Healing defendants an opportunity to obtain new counsel; and it is further

ORDERED that until such time as new counsel for the Art of Healing defendants enters a notice of appearance, service of papers by mail upon them at 1840 East 14th Avenue, Brooklyn, NY 11229 shall be deemed sufficient service; and it is further

ORDERED that withdrawing counsel must send a copy of this order to the Art of Healing defendants by regular mail and send me proof of mailing.

Warnings to Defendants

The defendants are advised that this case must proceed after April 22, 2016. According to plaintiffs' counsel, there are "numerous outstanding discovery issues" which plaintiffs are likely to pursue after April 22, 2016. This matter will be discussed at the next conference set for May 3, 2016, as discussed below.

The individual defendants, Drs. Svetlana Pinkusovich and

Alexander Pinkusovich, have requested that the Court stay this action for 90 days because of the complexity of the case and their need for time to get new counsel. This Court declines to grant a stay for such a lengthy period of time. The defendants have had ample notice of the need to obtain new counsel.

Withdrawing counsel filed their motion for leave to withdraw on February 24, 2016, but the breakdown in the relationship between counsel and clients apparently occurred much earlier. Moreover, although the individual defendants are not lawyers, they are well educated and appear to be capable of understanding the mechanics of litigation and the nature of the claims in this action.

The individual defendants are advised that they are required to appear in person or through counsel at all scheduled conferences set by the Court. They are warned that failure to appear at a conference or to comply with court orders could result in sanctions, including a fine. Continued failure to comply could ultimately result in entry of default against them.

The individual defendants are further advised that if they fail to obtain new counsel, they will be expected to proceed in this action by themselves. If the individual defendants proceed without counsel, they are advised that every communication sent to the Court must also be sent to the opposing party or counsel. Any document received by a district judge or magistrate judge which fails to indicate that a copy has been sent to the attorney for plaintiffs may be disregarded by the Court.

The corporate defendant, Art of Healing Medicine, P.C., is

advised that corporations may appear in federal court proceedings only through counsel. The corporate defendant is further advised that it is required to appear through counsel at all scheduled conferences set by the Court. If it fails to obtain counsel, the Court will enter default against it.

The next conference in this case is scheduled for May 3, 2016 at 2:00 p.m. in Courtroom 11-C at the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York. The defendants Art of Healing Medicine P.C., Alexander Pinkusovich and Svetlana Pinkusovich, as well as the other parties, must attend.

SO ORDERED.

Dated: Brooklyn, New York
March 23, 2016

/s/
MARILYN D. GO
UNITED STATES MAGISTRATE JUDGE